

Amendment No. 2 to HB0718

Hargrove
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1266

House Bill No. 718*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-38-102, is amended by deleting subdivisions (1) and (2) in their entirety and by substituting instead the following language:

(1) "Amusement attraction" means an enterprise which has multiple amusement rides managed by one (1) entity. "Amusement attraction" does not include an enterprise or any portion of an enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion or the arts;

(2) "Amusement ride" means any of the following, which is primarily for the purpose of giving its patrons amusement, pleasure, thrills, or excitement, and which is open to the general public excluding skill teaching, exercise, and team building:

(A) Any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area;

(B) Any dry slide over twenty (20) feet in height excluding water slides;

(C) Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except

(i) hay rides;

(ii) those used solely for transporting patrons to and from parking areas, or

(iii) those used for guided or educational tours, which do not necessarily follow a fixed or restricted course;

(D) Any bungee cord attraction or similar elastic device;

(E) Any climbing wall over ten feet (10') in height except for not-for-profit entities that follow the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines;

“Amusement ride” does not include any mechanical device that is activated by the insertion of a coin or coins;

SECTION 2. Tennessee Code Annotated, Section 56-38-102, is amended by adding the following language as new appropriately designated subdivisions:

() “Owner” means a person who owns, leases, controls or manages the operations of an amusement attraction or amusement ride;

() “Operator” means a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement attraction or amusement ride;

SECTION 3. Tennessee Code Annotated, Section 56-38-103(a), is amended by deleting the subsection in its entirety, by substituting instead the following language and renumbering subsequent subsections accordingly:

(a)

(1)

(A) It is an offense, punishable as provided in § 56-38-105, for the owner of any amusement attraction to operate or permit any person to operate any amusement ride located within an amusement attraction unless an annual permit has been issued by a county clerk to the owner of such amusement attraction.

(B) It is an offense, punishable as provided in § 56-38-105, for the owner of an amusement ride which is not included

within an amusement attraction to operate or permit any person to operate such amusement ride unless an annual permit has been issued by a county clerk to the owner of such amusement ride, which permit shall be valid in any and all counties in the state for one (1) year from the date the permit is issued.

(C) It is an offense, punishable as provided in § 56-38-105, for any person to operate an amusement ride, if such person:

(i) has knowledge that the annual permit required pursuant to subdivision (A) of (B) has not been issued to the owner;

(ii) has no authority to operate the ride; or

(iii) operates the ride beyond the authorization given to such person by the owner.

(2) If the amusement attraction or amusement ride is not at a fixed location within this state, then the owner of such amusement attraction or amusement ride, as appropriate, shall only be required to obtain one (1) such annual permit.

(b) The county clerk is authorized to charge a twenty-five dollar (\$25.00) fee for the issuance of such annual permit but shall not issue the permit until the owner furnishes to the clerk proof of insurance for and proof of inspection of such amusement attraction or amusement ride. Such proof of insurance shall be in an amount of not less than one million dollars (\$1,000,000) per occurrence insuring the owner or operator against liability for personal injury arising from the use of the amusement attraction or amusement ride.

(c)

(1) If the annual permit is issued for an individual amusement ride, such permit shall be prominently displayed on the amusement ride.

(2) If the annual permit is issued for an amusement attraction, such permit shall be filed at the main office of the amusement attraction and be available for inspection by any public official during the normal business hours of such office and by members of the public during the normal business operating hours of the amusement attraction.

SECTION 4. This act shall take effect January 1, 2006, the public welfare requiring it.